

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

MICHAEL KASCSAK,

*Plaintiff*

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v.

No. 1:23-CV-01373-DII

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EXPEDIA, INC.,

*Defendant*

**ORDER**

Before the Court is Plaintiff's Motion to Compel Discovery, Dkt. 50. The motion, and the filings related to it, set out a fundamental disagreement between the parties regarding the appropriate scope of discovery in this employment-discrimination case. The District Judge referred the dispute to the undersigned. Dkt. 59. The Court set the motion for hearing, Dkt. 61, and after considering the parties' filings, the record as a whole, the applicable law, and the arguments at the hearing, the Court announced its ruling, and the reasons for that ruling, on the record. This written order memorializes that oral ruling.

For the reasons stated on the record, the Court **GRANTS IN PART and DENIES IN PART** Plaintiffs' motion, Dkt. 50, and **ORDERS** as follows with respect to the individual discovery requests still in dispute as of the hearing:

Interrogatory 22: The Court **DENIES** this request **WITHOUT PREJUDICE** to its being reasserted, should Plaintiff's concerns about the sufficiency of Defendant's ESI protocol persist after the production of the discovery ordered here.

Requests for Production 2 and 3: The Court **GRANTS IN PART**, replacing “June 1, 2020” in the as amended versions of the RFPs with “January 1, 2022.”

RFP 9: The Court **GRANTS** the motion as to this RFP in its entirety.

RFP 10: The Court **GRANTS IN PART**, limited to responsive documents from January 1, 2022, forward, and **ORDERS** the parties to confer to determine a mutually agreeable scope of the phrase “regarding any of the information.”

RFP 11: The Court **GRANTS** the motion as to this RFP and **ORDERS** the parties to confer to determine a mutually agreeable scope of the phrase “hiring criteria, hiring guidance, or the demographic composition.”

RFP 19: Based on the parties’ representations in the Joint Advisory, Dkt. 63, the Court finds that the dispute regarding this RFP is now **MOOT**.

RFPs 20 and 21: The Court **GRANTS IN PART**, limited to responsive documents from January 1, 2022, forward, and **ORDERS** the parties to confer to determine a mutually agreeable set of custodians.

The Court **FURTHER ORDERS** that, with respect to the RFPs requiring the parties to confer, any disputes remaining after the parties’ conference may be submitted informally to the Court for resolution via email to the Court’s Courtroom Deputy, as stated on the record.

The Court **FURTHER ORDERS** that Defendant produce the discovery ordered above on or before November 18, 2024.

SIGNED October 3, 2024.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATE JUDGE